

## **REMARKS**

Claims 39-45, 47-53, and 55-58 were pending. In the last office action, Examiner finally rejected claims 39-45 and claims 47-53. For the reasons discussed below, Applicants respectfully request withdrawal of the pending rejections and the issuance of the claims or a new office action.

### **Defects in the Final Office Action**

Examiner's final office action is defective because it does not address claims 55-58, added by Applicants in their last office action response. Examiner has neither rejected nor allowed these claims, making their status unclear. Furthermore, these claims recite individual elements that are not specifically addressed by Examiner's comments. In addition, the office action refers inconsistently to Ross (Office Action, page 3) and Allsop (Office Action, page 5) in his rejection, and thus it is not clear what reference is being used in the rejection. Applicants request a new final office action in which these issues are resolved.

The remainder of this response will address the claims that were finally rejected by Examiner.

### **35 U.S.C. 112/101**

Examiner rejected claims 47-53 under 35 U.S.C. 101 for allegedly failing to claim statutory subject matter. (The Examiner also refers to the rejection as being made under 35 U.S.C. 112 second paragraph, but the basis of the rejection is 35 U.S.C. 101.) Claim 47 has been amended in the manner suggested by Examiner and, because the amendments only modify the form of the preamble, do not raise new issues for examination.

### **35 U.S.C. 103**

Examiner rejected claims 39-45 and 47-53 under 35 U.S.C. 103(a) as unpatentable over Pallakoff (U.S. Patent No. 6,269,343) in view of Allsop (U.S. Patent No. 5,970,372), in

combination with Ross (U.S. Patent No. 6,629,135). For the reasons described below,

Applicants respectfully traverse these rejections.

Independent claims 39 and 47 each recite “receiving from [a] referring website a request for information comprising a tag associated with the referring website.” The claims further specify that the tag can be used in the “[selection of] an on-line group buying sale of a plurality of on-line group buying sales,” to be provided to potential buyers accessing the referring website. Such a selection can be performed efficiently, in real-time, based on information communicated by the tag as part of the request. To the extent the tag, in an embodiment, reflects potential buyers’ purchase and shopping preferences, the selected on-line group buying sale is more likely to be successful.

None of the references, alone or in combination, suggests or discloses the claimed elements. As described above, the pending claims recite (1) “a tag associated with [a] referring website,” (2) “a request for information comprising [the] tag,” and (3) “responsive to [] the tag, selecting for a referring website an on-line group buying sale.” Allsop, cited for these elements, in contrast, describes an “HTML tag [that] includes an identification of the dealer. In response to the tag, the browser automatically causes a validation request to be transmitted over the Internet to the server.” (Allsop, 5:35-40) Thus, while Allsop discloses a tag that triggers a request to validate the dealer, the tag is neither associated with a referring website, nor included in a request for information, nor used to select a sale, as claimed. The addition of Pallakoff does overcome these deficiencies. Pallakoff fails to disclose or suggest “tags,” and the cited portion merely describes displaying offers on one or more websites (Pallakoff, 9:32-41, 9:50-55). However, it fails to describe the selection of offers for particular websites, much less that any selection is performed responsive to a tag. Adding Allsop’s dealer tag to Pallakoff at best yields displaying offers on one or more websites, which include an HTML tag that identifies a dealer, and thereby triggering a validation

request to validate the dealer. But that combination fails to disclose or suggest “responsive to [] the tag, selecting for a referring website an on-line group buying sale” as claimed.

## **CONCLUSION**

For at least these reasons, independent claims 39 and 47, and the remaining claims that depend from them, are patentable over the references. On the basis of the above, the early allowance of all claims, or, at the very least a new final office action that addresses each of the claims in their current form, is hereby requested. If Examiner believes that direct contact with the Applicants’ attorney will advance the prosecution of this case, Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,  
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